

REMARKS

By way of the instant amendment, claims 4 and 7 has been cancelled. Thus, claim 1 is the sole claim remaining for examination.

Claims 1, 4 and 7 stand rejected under 35 U.S.C. § 102(e) as anticipated by Musgrove or in the alternative under 35 U.S.C. § 103 as obvious over Musgrove in view of Pool (6,460,020). The Examiner's rejections are respectfully traversed.

According to the background description of applicant's invention, a problem in the conventional system of on-line shopping was that the ordering of products from the internet and the shipping of the products are managed separately. It may thus be necessary for the seller to issue a separate instruction to a delivery agent for each item purchased. Thus, if the purchaser made a purchase of a plurality of products from a plurality of different sellers, it was necessary for the purchaser to specify the delivery agent for each shipping agent individually and to pay a delivery fee separately for each deliver agent. An additional problem is that if the purchaser specified the same time for delivery with respect to a plurality of products from a plurality of different delivery agents, the purchaser may nevertheless have to remain home most of the day because the actual delivery time would vary among the plurality of delivery agents even though the same time delivery was specified.

In order to obviate the above enumerated deficiencies of the conventional system, an embodiment of applicant's invention as recited in independent claim 1 sets forth a first means in which the seller terminal sends to the purchaser terminal product information with respect to a plurality of products which the seller sells and delivery information with respect to a plurality of delivery agents which deliver the products to the purchaser. A second means is also provided in which the seller terminal receives from the purchaser terminal information regarding the products which are desired to be purchased by the purchaser and, additionally, information in which the purchaser specifies a specific identity of a single one of the plurality of delivery agents for delivery of the ordered products.

As shown in applicant's Figure 4, applicant will select among a plurality of delivery agents by checking a box in the appropriate row in which the delivery agent name, URL and telephone number are all set forth. Most importantly, it is possible for the purchaser to select

a single delivery agent to deliver all products purchased from a plurality of sellers. See, applicant's specification, page 13, line 26 through page 14, line 1.

The Musgrove patent is not specifically directed to any method of selecting a particular delivery agent. Only passing mention is made of a delivery method as, for example, in column 6, line 59, pointed out by the Examiner in paragraph 3 of the outstanding Office Action. However, the shipping method, while not stated in Musgrove, is generally understood to be a generalized statement of how the product is to be sent as, for example, second day delivery, ground transportation and the like. Certainly Musgrove does not disclose any system in which the user may select the specific identity of the delivery agent, and does not disclose a system in which a single specified, specific delivery agent can be chosen when a purchaser orders a plurality of products from a plurality of different sellers.

Applicant also points out that the structural arrangement of Musgrove is quite different from that of applicant's invention. According to embodiments of applicant's invention, as shown, for example, in applicant's Fig. 1, the seller terminal and purchaser terminal communicate directly with each other via the network 40 and the delivery agent also may communicate with the purchaser terminal and the seller terminal 20 via the network 40. The purchaser terminal deals directly with the seller terminal in ordering products, specifying the purchaser identity and the like.

In contrast, in the arrangement of Musgrove, a shopping server 20 is interposed between the client 12 (purchaser terminal) and the merchant 40 (seller terminal). The shopping server 20 serves to generate through its agent server 24, a buy form 52, transaction record 54, receipt 60 and confirmation 58. Presumably, the Examiner is equating the shopping server 20 with applicant's specifically recited delivery agent. However, it seems clear even by comparing applicant's Fig. 1 with Musgrove Fig. 2, that the structural arrangement in applicant's embodiment is quite different from that disclosed in Musgrove. Applicant does not utilize a shopping server nor an agent server as an intermediary between the purchaser terminal and seller terminal. Moreover, after the purchaser and seller have dealt directly with each other via their respective terminals, the deliver agent terminal receives the purchase order identification information from the purchaser terminal and compares the purchase order identification information from the purchaser terminal with the purchase order identification information received from the seller terminal. Further, the delivery agent sends

to the purchaser terminal delivery order request information to specify the specific identity of the single delivery agent for delivery of the ordered products.

In order to better differentiate applicant's claims from the teaching of Musgrove, taken either singularly or in combination with Pool, applicant has amended independent claim 1 to make it clear that the seller terminal sends "directly" to the purchaser terminal product information with respect to a plurality of products which the seller sells and delivery agent information with respect to a plurality of delivery agents which deliver the products to the purchaser in response to an access to the seller terminal directly from the purchaser terminal.

As indicated above, Musgrove utilizes an intermediate shopping agent between the purchaser terminal and the seller terminal and the purchaser terminal and the seller terminal do not directly communicate with one another.

Moreover, applicant has combined the recitations of the third means (now labeled fourth means) and the fourth means (now labeled fifth means) of now cancelled claim 4. Further, claim 7 has been cancelled and claim 1 amended accordingly. As such, claim 1 now includes the complete interrelationship between the buyer terminal, seller terminal and the delivery agent terminal.

Further, applicant has amended the preamble of claim 1 such that the purchaser terminal, seller terminal and delivery agent terminal are now specified as part of the body of the claim. This has been done to emphasize the separate distinct identities of these terminals where the body of the claim further goes on to recite the interconnection and interoperability of the three terminals as explained above.

In view of these amendments, it is submitted that the amended claim 1 is clearly differentiated from the Musgrove patent taken either singularly or in combination with Pool. As such, it is submitted that the rejection under § 102 or alternatively under § 103 must be withdrawn.

The application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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